

**Appln No. 10/092,166**  
**Amdt date January 12, 2006**  
**Reply to Office action of September 27, 2005**

**REMARKS/ARGUMENTS**

Claims 1-21 are now in the application. Claims 1, 2, 4, 15, 16, and 18 have been amended. Applicants respectfully request reconsideration and allowance of the application in view of the amendment and the following remarks.

The Applicants acknowledge with appreciation the allowance of Claims 20 and 21 and the indication of allowable subject matter in Claims 2-14 and 16-19. To expedite allowance, Claims 2, 4, and 16 have been amended to incorporate all the recitals of their respective base Claims. Dependent Claims 3, 5-14, and 17-21 depend from allowable Claims 2, 4, 16, and 20. Accordingly, Claims 2-14, and 16-21 should now be allowable.

Claim 1 has been amended to correct a typographic error. The word 'second' now replaces the word 'clock' before the word input. Claims 2 and 4, which previously depended from Claim 1, have been rewritten in independent form including this correction.

Claim 2 has been further amended to correct a typographic error. Claim 2 incorrectly stated the "loss-of-signal detector of claim 2." This has been changed to the "loss-of-signal detector of claim 1."

Claim 18 has been amended to correct a typographic error. The word 'of' has been inserted in the clause, " an integrator coupled to the single flip-flop and configured to integrate a plurality of error signals over an integration period  $t_{int}$  to generate a signal  $V_{BER}$  that provides a measure of the bit error rate of the incoming data."

The Examiner rejected Claims 1 and 15 under 35 U.S.C. 103(a) as being unpatentable over Whitt (U.S. Patent No. 4881243) in view of Pasqualini (U.S. Patent No. 6397374), further in view of Schuur (U.S. Patent No.: 5590157) and further in view of Peragine (U.S. Patent No. 6623185).

To expedite allowance, Claim 1 now recites the limitation, wherein the flip-flop is configured to generate an error signal when a transition of the delayed data signal falls outside of  $\Delta T$  on either side of a falling edge of the recovered clock signal. Support for this limitation is found in the Specification, Para. 19, Lines 18-21. It is believed that Claim 1 is allowable.

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To expedite allowance, Claim 15 now recites the limitation:

wherein the single delay circuit delays the incoming data by a  
predetermined window  $\Delta T$  to generate a delayed data signal, and  
wherein the flip-flop is configured to generate an error signal when a  
transition of the delayed data signal falls outside of  $\Delta T$  on either  
side of a falling edge of the recovered clock signal.

The first portion of this limitation is copied from Claim 16. Support for the second portion of this limitation is found in the Specification, Para. 19, Lines 18-21. It is believed that Claim 15 is allowable.

The Examiner indicates that Whitt discloses an integrator coupled to the output of the flip-flop, and cites Fig. 1, label 35. However, it appears that the integrator of Whitt is not coupled to the output of the flip-flop, but is instead coupled to the output of a phase detector. Further, the integrator in Whitt is described to, "integrate over time the phase error signal appearing at the output 33 of the phase detector 30"; the integrator in Claim 1 integrates the output signal of the flip-flop. (Spec. Para. 18). Therefore, the reference cited in Whitt does not appear to teach or suggest the limitation of an integrator coupled to an output of the flip-flop.

Accordingly, Applicants ask that this rejection be withdrawn and for the reasons stated above that Claims 1 and 15 be allowed.

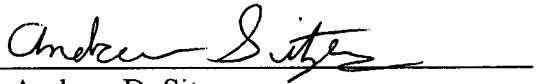
In view of the foregoing, the Applicants respectfully submit that Claims 1-22 are in condition for allowance. Reconsideration and withdrawal of the outstanding rejections are respectfully requested, and a timely Notice of Allowability is solicited.

Applicants re-submit herewith a Substitution of Attorney with Change of Address, which was originally submitted on October 1, 2003. Applicants respectfully request that all future correspondence be addressed to the undersigned at the address indicated in the Substitution of Attorney.

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If there are any remaining issues that can be addressed over the telephone, the Examiner is encouraged to call Applicants' attorney at the number listed below.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

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